

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x Docket No.: 21-CV-05511

BENIGNO ARGUDO

Plaintiff,

-against-

**AFFIDAVIT OF
JASON M. WOLF**

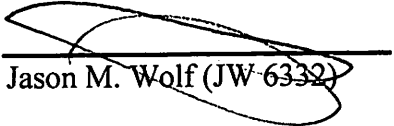
RUGO LLC, and MARIO RUGOVA

Respondent.

JASON M. WOLF, hereby deposes and says:

1. I am an attorney licensed to practice before the Southern District of New York and submit this affidavit in support of an Order pursuant to FRCP 55 (b) and 60 (c) vacating the default against the default against the defendants.
2. On August 22, 2023, Rutkin & Wolf was retained to represent the defendants in this matter. On August 23, 2023 incoming counsel wrote to the Court requesting an adjournment of the trial in this action to better prepare himself and properly defend the defendants. On August 24, 2023, the Court denied the request. Thereafter, defendants former counsel provided this office with the file in this action. I then called Defendants' former counsels office to ascertain if there were any conferences scheduled prior to the September 11, 2023 trial as I did not see anything on the docket report. I never received a call back. In addition, I spoke to Plaintiff's counsel and he did not mention the August 29, 2023 phone conference with the Court.

3. I am now aware that attached to Docket 65 was an Order which indicated that there was a conference scheduled for August 29, 2023.
4. In the past the date and time for the next status conference is listed in the notes on the docket sheet. However, I am now aware of ECF filing rule 4.3 and in the future will actually open the document and not simply rely on the notes.
5. It is my understanding that the Court only defaulted RUGO LLC and not the individual defendant Mario Rugova. If this is the case, I respectfully ask the Court to issue an order to the Clerk to vacate the Certificate of Default of Mario Rugova. In any event, I respectfully ask the Court to excuse my mistake as excusable neglect and vacate the defaults issued against this defendant and allow this matter to proceed on the merits as is the preference under the case law in this circuit/
6. Thank you.


Jason M. Wolf (JW-6332)